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May 6, 2022

VIA ECF

The Honorable Margaret B. Seymour
The Honorable Toby J. Heytens
The Honorable Richard M. Gergel

RE: *Status Update Regarding Settlement by Legislation*
The South Carolina State Conference of the NAACP v. Alexander (3:21-cv-03302)

Dear Judges Seymour, Heytens, and Gergel,

Counsel for Plaintiff South Carolina State Conference of the NAACP (“SC NAACP”) respectfully write to correct their Letter to the Court dated May 5, 2022 (ECF 260) regarding the settlement agreement between SC NAACP and the House Defendants (ECF 260-1).

The Letter stated that “[u]nder this agreement, the Settlement Maps will be passed by both chambers of the Legislature, presented to the Governor on or before May 12, 2022, and signed into law on or before May 17, 2022.” *Id.* at 1.

To the extent that this statement implied that the South Carolina Senate, as a “chamber[] of the Legislature,” is a party to the settlement agreement and committed to take legislative action on the Settlement Maps, it was incorrect. As is clear from the Settlement Agreement that was attached, the Senate and the Senate Defendants are not parties to the settlement agreement, are not bound by it, and have not committed to take any action on the Settlement Maps.

Although the Settlement Agreement contemplates the enactment of Settlement Maps, the settlement agreement does not obligate the General Assembly to pass the Settlement Maps or the Governor to sign them into law. *See id.* at 2; Dkt. No. 260-1 at 3 ¶ 2, 4 ¶ 5.

Counsel for SC NAACP understands that they cannot speak for any of the Defendants, the South Carolina General Assembly, or the Governor of South Carolina. Any misstatements in the Letter were inadvertent and reflected the press of time on counsel to finalize the settlement agreement and to provide notice to the Court.

Counsel for the House Defendants have reviewed the statements above and agree with the Counsel for Plaintiff’s clarifications to its Letter to the Panel dated May 5, 2022 concerning the settlement of this action. Counsel for the House Defendants were not signatories to the Letter and, as the settlement agreement itself makes clear, it was entered into between House

Defendants and Plaintiff only. It does not bind the South Carolina Senate or the Governor of the State of South Carolina, nor does it commit them to take any particular action.

Respectfully,

A handwritten signature in blue ink, appearing to read 'C. Bryant', with a large, stylized flourish at the end.

Christopher J. Bryant

Signature Blocks to Follow

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* Motion for admission Pro Hac Vice
forthcoming
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